

Introduced by Senator Negrete McLeod

February 24, 2012

An act to add Section 14422 to the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1346, as introduced, Negrete McLeod. Election day procedures: ballot containers.

Existing law establishes election day procedures for processing ballots following the closing of the polls. Existing law prohibits removal of a ballot container from a polling place or the presence of any persons assembled at the polling place until all the ballots are counted and prohibits the ballot container from being opened until after the polls are closed.

This bill would allow the county elections official for a county of greater than 5,000 square miles to direct that ballot containers be sealed prior to the closing of the polls in accordance with specified procedures and direct a ballot security team to remove from a polling place and the presence of any bystanders prior to the closing of the polls a sealed ballot container of voted untallied ballots and deliver the container to a receiving center or central counting place. This bill would allow the county elections official to process the ballots upon receipt of a container, but would prohibit the official from tallying the ballots or releasing any results prior to the closing of the polls.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 14422 is added to the Elections Code, to read:

14422. (a) Notwithstanding Section 14215 or any other provision of law, the county elections official for a county of greater than 5,000 square miles may direct a precinct board to seal ballot containers prior to the closing of the polls, in accordance with the procedures set forth in Sections 14420 and 14421, and may direct a ballot security team to remove from a polling place and the presence of any bystanders prior to the closing of the polls a sealed ballot container of voted untallied ballots and deliver the container to a receiving center or central counting place as directed by the county elections official.

(b) Upon receipt of a container at a receiving center or central counting place pursuant to subdivision (a), the county elections official may process the voted untallied ballots, but shall not tally the ballots or release any results prior to the closing of the polls.

(c) This section shall not be construed to relieve a precinct board of its responsibility to account for ballots pursuant to Section 14405.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for the effective and efficient administration of elections in 2012, it is necessary that this act take effect immediately.